

**REAL ESTATE APPRAISERS BOARD MEETING
MINUTES
MAY 11, 2005**

PRESENT: Roger Roslansky, Karen Scott, Sharon Fiedler, and Mark Kowbel

EXCUSED: LaMarr Franklin

STAFF PRESENT: Kimberly Nania, Division Administrator; Ruby Jefferson-Moore, Legal Counsel; Lydia Bridge, Program Assistant; PJ Monson, Program Assistant and Division of Enforcement Staff

GUESTS: Debbie Conrad, WRA; Kammy Miller and Michelle Oldenburg

CALL TO ORDER

Mark Kowbel, Chair, called the meeting to order at 9:07 a.m. A quorum of four members was present.

AGENDA

Additions to Agenda:

- DOE Statistical Summary as of 03-May-2005 4c
- Add Gregory Kort & Paul Shore to Monitoring Report 16a
- State Field Contacts – Appraisal Subcommittee 12b
- AQB Criteria regarding Appraiser Examination Validity 12c
- Appraisal Review Form 19

MOTION: Karen Scott moved, seconded by Roger Roslansky, to adopt the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES MARCH 2, 2005

MOTION: Sharon Fiedler moved, seconded by Karen Scott, to approve the minutes of November 10, 2004 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Division Administrator, reported that Jerry Lowrie has resigned as the Bureau Director with the Department and that she will be filling in as the Bureau Director of Business and Design until a new Bureau Director is appointed by the Secretary of the Department.

Dr. Nania introduced Celia Jackson who is the new Secretary for the Department of Regulation and Licensing.

Construction is under way on the other end of the building for our Department and our new facilities should be completed by September 1, 2005.

Board Roster

Kim Nania encouraged Board members to contact the Governor's office if they knew of any candidates for vacant Board positions.

2005 Meeting Dates

The next meeting of the Board will be on July 13, 2005.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

Small Business Review Committee

Kim Nania addressed the Board regarding the rule process and the effect any rule change may have on small businesses. The Small Business Review Committee reviews any rule that an agency feels may have an effect on small businesses.

TRAVEL

AARO Spring Conference April 9-11 - St. Louis, MO

Informational.

EDUCATION, EXPERIENCE, AND EXAMINATION ISSUES

Report of the REA Education and Experience Advisory Committee meeting of May 10, 2005

Mark Kowbel reported that the Committee discussed at length the deadline dates for schools to implement the new core curriculum and applicant deadline dates for course requirements.

Implementation Proposal for 2008 Criteria

MOTION: Roger Roslansky moved, seconded by Karen Scott to accept the recommendation to adopt the segmented approach for the implementation of the AQB requirements; conditioned on the application having been received by December 31, 2007. Motion carried unanimously.

MOTION: Karen Scott moved, seconded by Roger Roslansky, to accept either the modular or integrated approach to the core curriculum. Motion carried unanimously.

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to support the recommendation that all courses offered after January 1, 2008 must meet the core curriculum requirements of the AQB. Motion carried unanimously.

MOTION: Karen Scott moved, seconded by Roger Roslansky, to support the recommendation that the education provider shall insure that the 15-hr Uniform Standards of Professional Appraisal Practice course, or its equivalent, that is required under sub. (1) shall be taken and successfully completed after completion of the 30 hr basic appraisal principles and the 30 hr basic appraisal procedures courses required under sub. (1). Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULES

Review of Revisions to RL 80-87 and Revisions to Ch. RL 87, Code, Appendix I (2005 USPAP), effective 5/1/05

Ms. Jefferson-Moore reported on minor revisions to the rules.

MOTION: Karen Scott moved, seconded by Roger Roslansky, to adopt the revised fee structure for temporary practice fees and to include the college degree requirements for the various levels of licensure in the draft of the rule. Motion carried unanimously.

PRACTICE ISSUES

None.

APPRAISAL STANDARDS BOARD DISCUSSION OF EXPOSURE DRAFTS ON PROPOSED REVISIONS TO USPAP

Key Features of the 2005 USPAP and Advisory Opinions

Informational.

Questions and Answers on the Scope of Work Project – March 2005

Informational.

Second Exposure Draft to USPAP

MOTION: Karen Scott moved, seconded by Roger Roslansky to appoint Mark Kowbel to review and respond to the ASB second exposure draft to USPAP. Motion carried unanimously.

MOTION: Sharon Fiedler moved, seconded by Roger Roslansky to appoint Karen Scott as the Board liaison to review and respond to additional draft recommendations to the ASB second exposure draft to USPAP. Motion carried unanimously.

MOTION: Karen Scott moved, seconded by Sharon Fiedler to recommend to the Department to prepare a scope statement relating to the adoption of the revisions to the 2006 USPAP from the ASB. Motion carried unanimously.

USPAP Q & A March 2005

Informational item only.

BOARD MEMBER ACTIVITY

Karen Scott gave a brief summary about the Application Advisory Committee. Karen will be writing an article for the regulatory digest.

ASC ISSUES AND CORRESPONDENCES

Discussion of State Field Reviews and Contacts

Ruby Jefferson-Moore, Legal Counsel, summarized a letter she obtained from the Appraisal Subcommittee (ASC) regarding the different types of state field contacts it performs.

Review of Correspondence Relating to Examination, Education and Experience Issues

The Board discussed in length the November 17, 2004 memo from the Appraisal Subcommittee emphasizing areas of concern. It was brought to the attention of the Board, if a State has issued certified appraiser credentials supported by examinations more than two years old, the State needs to identify the affected appraisers and notify them that they need to re-take the examination. Board members were very concerned about the number of licensees this could affect.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF DIVISION OF ENFORCEMENT INCLUDING STIPULATIONS SIGNED AFTER THE MAILING OF THE AGENDA

John Schweitzer, Attorney, presented the following stipulations in open session:

- i. Michael P. Clover 04 APP 047
- ii. Jonathan H. Horsfall 04 APP 005

Mark Herman, Attorney, presented the following stipulation in open session:

- iii. John P. Zenko 03 APP 038, 04 APP 003, 04 APP 022 & 04 APP 032

INFORMATIONAL MATTERS

None.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Roger Roslansky moved, seconded by Karen Scott, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Karen Scott-yes, Sharon Fiedler-yes, Mark Kowbel-yes, Roger Roslansky-yes.

Open Session recessed at 11:15 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sharon Fiedler moved, seconded by Karen Scott, to reconvene into Open Session at 11:35 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING REPORT

REQUESTING FULL REINSTATEMENT OF LICENSURE FOR PAUL SHORE

MOTION: Karen Scott moved, seconded by Roger Roslansky to accept the recommendation to reinstate Paul Shore for full licensure. Motion carried unanimously.

REQUESTING FULL REINSTATEMENT OF LICENSURE FOR GREGORY KORT

MOTION: Roger Roslansky moved, seconded by Sharon Fiedler to deny Gregory Kort's request for full reinstatement of licensure at this time and to have Karen Scott review three new appraisals from Gregory Kort. If the appraisals satisfactorily comply with USPAP, Mr. Kort may obtain full licensure. If they are not acceptable, the matter should be brought back to the Board for further review. Motion carried unanimously.

CASE CLOSINGS

04 APP 044

MOTION: Karen Scott moved, seconded by Roger Roslansky, to close case **04 APP 044** for prosecutorial discretion (P3). Case Advisor, Mark Kowbel.
Motion carried unanimously.

02 APP 038

MOTION: Roger Roslansky moved, seconded by Sharon Fiedler, to close case **02 APP 038** for prosecutorial discretion (P1). Case Advisor, Karen Scott.
Motion carried unanimously.

02 APP 057

MOTION: Karen Scott moved, seconded by Roger Roslansky, to close case **02 APP 057** for no violation. Case Advisor, LaMarr Franklin
Motion carried unanimously.

02 APP 035

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to close case **02 APP 035** for compliance gained (P7). Past Case Advisor, Mr. Buckett.
Motion carried unanimously.

02 APP 054

MOTION: Karen Scott moved, seconded by Roger Roslansky, to close case **02 APP 054** for insufficient evidence. Case Advisor, Mark Kowbel.
Motion carried unanimously.

PROPOSED DECISION

None.

STIPULATIONS

MICHAEL P. CLOVER 04 APP 047

MOTION: Karen Scott moved, seconded by Roger Roslansky, to adopt the Stipulation, Final Decision and Order, Findings of Fact, Conclusions of Law and Order in the matter concerning **Michael P. Clover 04 APP 047**.
Motion carried unanimously.

JOHN P. ZENKO 03 APP 038, 04 APP 003, 04 APP 022 & 04 APP 032

MOTION: Roger Roslansky moved, seconded by Karen Scott, to adopt the Stipulation, Final Decision and Order, Findings of Fact, Conclusions of Law and Order in the matter concerning **JOHN P. ZENKO 03 APP 038, 04 APP 003, 04 APP 022 & 04 APP 032**. Motion carried unanimously.

JONATHAN H. HORSFALL 04 APP 005

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to adopt the Stipulation, Final Decision and Order, Findings of Fact, Conclusions of Law and Order in the matter concerning **Jonathan H. Horsfall 04 APP 005**. Motion carried unanimously.

ADMINISTRATIVE WARNING

None.

CONFER WITH LEGAL COUNSEL

None.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

Karen Scott submitted a copy of the form used by the Application Review Committee for appraisal review. The form follows the guidelines for the USPAP Standards.

MOTION: Roger Roslansky moved, seconded by Sharon Fiedler to accept this form when reviewing applications (revise the form to indicate “Review Appraiser’s Signature”). Motion carried unanimously.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Sharon Fiedler moved, seconded by Roger Roslansky, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

Next Meeting: July 13, 2005